

AT A PUBLIC HEARING AND REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, 8TH FLOOR, CITY HALL, HAMPTON, VIRGINIA, ON DECEMBER 9, 2002 AT 3:30 P.M.

PRESENT: Chairman Ralph A. Heath, Vice-Chairman Harold O. Johns, and Commissioners Timothy B. Smith, Perry T. Pilgrim, Randy Gilliland, and George E. Wallace

ABSENT: Katherine K. Glass

ROLL CALL

A call of the roll noted Katherine K. Glass as being absent.

ITEM I. MINUTES

There being no additions or corrections, a motion was made by Commissioner Randy Gilliland, and seconded by Commissioner Timothy B. Smith, to approve the minutes of the November 18, 2002 Planning Commission meeting. A roll call vote on the motion resulted as follows:

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| AYES: | Smith, Johns, Pilgrim, Wallace, Gilliland, Heath |
| NAYS: | None |
| ABST: | None |
| ABSENT: | Glass |

ITEM II. YOUTH PLANNER REPORT

Ms. Alicia Tundidor, Youth Planner, stated the recent work the Youth Commission and Youth Planners have done is the implementation of the Youth Friendly Guidebook. The guidebook will be given out to local businesses to make sure the facilities are more youth friendly, and in turn, will bring more people to these businesses. The members of the Comp Plan Sub-committee recently distributed a survey to different businesses (i.e., Chic Fila, Express, Walmart, etc.), and conducted a pre-test survey to see if the businesses are youth friendly. The committee has received most of the evaluations back and the questions do match up regarding whether the businesses are or are not youth friendly. The next step is to design the Youth Friendly Guidebook, finalizing any questions, and how the scores will be implemented. Special concern was taken in regards to race and gender, not to be biased. The finalized copy will be made of the statistics, reports, and questions that have been obtained to be completed by the early part of next year.

In response to a question by Commissioner Johns, approximately nine members participated and 36 surveys were given to each member for the businesses. Mr. O'Neill stated the information that has been formulated to develop the questions they have used has been a product of an extensive survey that took place during the previous school year with several hundred young people in the community, about what they felt were the key characteristics that constituted a youth friendly business. That survey was conducted in written form and meetings with focus groups. Ms. Tundidor has taken the

information and narrowed it down to ten most frequently identified characteristics that came out of the responses, and these characteristics are what is being used for the pre-test that has been described to show if they do yield a youth-friendly environment.

In response to a comment by Commissioner Gilliland, Ms. Rashida Costley, Youth Planner, stated she attended the National League of Cities which she enjoyed. She was able to collect information on the security plan that they have been working on, and she was able to ride the light rail, and received a lot of new contacts from people who are starting to organize Youth Commissions.

Commissioner Gilliland stated Ms. Costley and Ms. Carlson did a terrific job at the National League of Cities, and represented the City of Hampton very well, and many people were impressed from the work that they are doing.

ITEM III. HAMPTON COMMUNITY PLAN

Plan Status

Mr. Terry O'Neill spoke on behalf of Mr. Keith Cannady, Chief Planner, who had to leave due to a family emergency. Mr. O'Neill stated at the last meeting the Planning Commission was asked if they were interested in a particular focus group area (i.e., Healthy Family, Healthy Neighborhoods, etc.). Their names have been placed on the list which is in the City Manager's Office and has been forwarded to City Council to be presented this Wednesday. After City Council sees the make-up of the list or have any additions or changes to the list, a letter will be sent out shortly to those individuals, thanking them for volunteering, along with a schedule of the meetings. The first meeting of the various focus groups will be scheduled in mid-January. The second key ingredient is that a facilitation team has been selected. Approval of that contract is on City Council's agenda. The facilitation team will be local Hampton citizens who will be teamed up with a professional facilitator to go through the process, rather than hiring a consulting team outside of the city. It should be home grown, quite effective, and quite unique. As soon as City Council approves the approach, staff will be ready to move forward.

PUBLIC HEARING

Chairman Heath read the public hearing notice on the next agenda item as advertised in the *Daily Press* on November 25 and December 2, 2002.

ITEM IV. CAPITAL IMPROVEMENT PLAN FY2004-2008

Capital Improvement Plan FY2004-FY2008 – Proposal by the City of Hampton to adopt the Capital Improvement Plan for the next five years (FY02-FY06). The Capital Improvement Plan identifies a proposed five-year schedule of expenditures to fund additions and improvements to the City's capital assets. General categories of projects included: Street and Infrastructure Maintenance; Building Maintenance; Community Enhancement; Education; Capital Equipment; and Other Projects. Funding sources include General Fund Revenues, General Obligation Bond Revenues, and Stormwater Fund Balance.

Mr. O'Neill, introduced Ms. Sheila Guy and Ms. Jackie Stephan to present and answer questions the Commissioners may have on the Capital Improvements Plan (CIP).

Ms. Sheila Guy, Senior Budget Analyst, presented a report on the analysis of how the expenditures in the proposed CIP relate to the five year plan and the funding trends, highlights of particular projects, and recommendations of the Plan, a copy of which is attached hereto and made a part hereof.

Ms. Jackie Stephan, City Planner, presented a report on the general role of the Planning Commission in review of the CIP, a copy of which is attached hereto and made a part hereof.

Ms. Guy stated the next step is for Planning Commission to move forward with a recommendation to City Council, which will be presented at their January meeting for approval. In the first year of the plan that is submitted to City Council during the budget submission, City Council will have an opportunity to modify the capital budget during budget deliberations for FY04.

In response to a question by Commissioner Smith, Ms. Guy stated the Sentara project is on the contingency plan because there are no funds available. Mr. O'Neill stated the CIP Committee struggled with two emerging issues evolving over a number of years with funding. One issue is schools; not the normal issue of maintenance, but the construction of a new school and/or the major rehabilitation of old schools in older areas of the city. The committee talked at length about addressing these issues, but the city currently does not have the revenue sources that will allow the city to adequately address those issues. The other emerging issue is redevelopment. Unfortunately, there will not be a lot of funding in the budget for property acquisition, blight removal, and redevelopment projects in older areas of the city. The committee believed these were big and important issues, but it was beyond the committee's ability to suggest new funding sources that would address those needs.

In response to a question by Commissioner Smith, Commissioner Gilliland stated the Chesapeake Avenue seawall is on private property. Mr. Fred Whitley, City Engineer, stated funding for this project protects the road which is right up against the seawall.

In response to a question by Commissioner Pilgrim, Commissioner Wallace stated the funding for the breathing apparatus for the fire and police department are not critical issues in manning. The departments are not without this equipment, but it is a project for new stations that are coming on line.

In response to comments by Commissioner Gilliland, Ms. Guy concurred that all requests on the contingency list total \$83.5 million, and new school construction at \$15 million.

In response to a question by Commissioner Gilliland, Commissioner Wallace stated the capital requests for the school system do not fit into the proposed CIP or the contingency list. There have been on-going discussions regarding this issue.

In response to a question by Commissioner Gilliland, Commissioner Wallace stated the proposed CIP for \$67 million is a rational expectation of what the city can minimally support during that fiscal year time period.

After discussion, the Commission approved the following resolution:

WHEREAS: The Planning Commission has before it this day the Proposed FY2004-2008 Capital Improvement Plan (CIP); and,

WHEREAS: Section 15.2-2239 of the Code of Virginia requires the Planning Commission to forward a CIP to the governing body after conducting a public hearing; and,

WHEREAS: Staff was questioned why the Sentara Hospital Re-use Plan was not included in the CIP. Mr. O'Neill responded that the project is on the contingency list and there is insufficient funding at this time for this project. FY07 was chosen because it is a planned bond issuance year and the funds would be available then; and

WHEREAS: Staff was questioned why public funds are being used to maintain the seawall along the east end of Chesapeake Avenue that is on private property. Mr. Whitley answered that the work was needed on the rip rap at the west end of Chesapeake Avenue to improve the stability of the land between the water and roadway. In the event of a hurricane there is concern the roadway could be damaged; and,

WHEREAS: Staff was questioned why "Firefighting Bunker Gear" and "Self Contained Breathing Apparatus" were considered "Not required." Mr. Wallace answered that the equipment is not a priority at this time. However, new equipment will be required once a new Fire/Police Station is operational in the city; and,

WHEREAS: Staff was questioned why there was no funding present to address the discussions City Council has had with the School Board regarding school construction/refurbishment. Mr. Wallace responded that there has been no policy decision reached from these discussions. Funding would be included in the CIP when a policy decision is reached; and,

WHEREAS: No citizens or business interests spoke either in favor of, or in opposition to, the proposed CIP.

NOW, THEREFORE, on a motion by Commissioner Tim Smith and seconded by Commissioner Harold Johns,

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends the Honorable City Council approve the proposed FY2004-2008 Capital Improvement Plan.

A roll call vote on the motion resulted as follows:

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| AYES: | Smith, Pilgrim, Johns, Gilliland, Wallace, Heath |
| NAYS: | None |
| ABST: | None |
| ABSENT: | Glass |

ITEM V. REZONING APPLICATION NO. 1158

Chairman Heath read the description of the next agenda item.

Rezoning Application No. 1158 by Medical Office Condominiums of Virginia, Inc. to rezone 13.45± acres at 2551 North Armistead Avenue (between Sentara Hampton General Hospital and Parklawn Memorial Park) from One Family Residence District (R-11) to Neighborhood Commercial District (C-1) for medical offices and support facilities. The 2010 Comprehensive Plan recommends low density residential development for this area. R-11 allows single family residential uses at a density of 3.5-4.5 units per acre. C-1 allows offices and retail sales of convenience goods.

Mr. Robert Long, Attorney and Principal for Medical Office Condominiums of Virginia, Inc., 4611 Victoria Boulevard, stated they are proposing to develop a medical office condominium project immediately to the east of the Sentara Hampton Careplex site. The 13.5± acres is currently owned by Service Corporation International, which is the owner of Parklawn Memorial Park Cemetery. This property was acquired by the prior owner, Mr. Vernon Stuart, who is the principal of the project. The 13.5± acres was originally chosen for burial purposes, but has changed in regards to burial versus cremation. The approximate current tax base for the 13.5± acres is \$16,000. If the property were rezoned for a medical office, the approximate tax base would be changed to \$150,000. They are proposing to build a road from the southerly side of the property to Marcella Road. He stated the 2010 Comprehensive Plan recommends a road to be built to the southerly portion of Sentara Hampton Careplex over to Armistead Avenue from Coliseum Drive. Their proposal would have them build, at their expense, a three-lane road from the southerly portion of their property down to Marcella Road. This would be part of the transportation portion of the 2010 Comprehensive Plan recommendation. The address of the proposed project would be for Marcella Road. Access would be off Armistead Avenue from Vernon Stuart Drive, which goes into the northerly portion of the facility which ties into the parking lot of the new Sentara Hampton Careplex. They propose to build six one-story medical office buildings that will have access for handicapped at ground level and ample parking surrounding the buildings so that the handicapped and elderly will be able to park close to the physician's office. The buildings will be first class, attractive medical office buildings with brick exterior. The proposal is essential for the citizens of Hampton, and they have received expressed interest that if the proposal is approved, approximately 60% of the project is expected to sell rapidly. He asked the Planning Commission to approve their rezoning request. He introduced Mr. Vernon Stuart and Mr. Joseph Ritchie, principals of the project, who were available to answer questions by the Commission. He also introduced Ms. Valerie Henschel, Traffic Engineer, who prepared the traffic study for the project.

In response to a question by Commissioner Wallace, Mr. Long stated consideration was given to building more than one story structures, but they decided that if they put in one-story medical office facilities, the doctors, handicapped, elderly would have access to these buildings which are user-friendly. They feel strongly that the one-story structures are the way to go.

In response to a question by Commissioner Wallace, Mr. Long stated the physicians they have discussed the proposal and like the concept they have.

In response to a question by Commissioner Wallace, Mr. Long stated to the best of his knowledge, these are physicians who are not from the outside of the community, but doctors who want to relocate immediately adjacent to the new hospital.

In response to a question by Commissioner Pilgrim, Mr. Long stated it would be a combination of people currently in the City of Hampton, Newport News and York County who want to be closer to the hospital.

In response to a question by Commissioner Pilgrim, Mr. Long concurred that the \$150,000 is for the real estate portion only.

In response to a question by Commissioner Smith, Ms. Valerie Henschel, Traffic Engineer, Virginia Beach, stated the concept was brought forth by the city. She stated because it is difficult getting out on Vernon Stuart Drive onto Armistead Avenue, the mere fact that it is difficult to make a left turn out of Vernon Stuart Drive would prevent people from making that maneuver as oppose to signalizing, which is the other option. She does not see people wanting to make a right turn to get into the back of the hospital.

In response to a question by Commissioner Smith, Ms. Butler stated in a 24 hour traffic count, approximately 4,600 would be generated by the use which does not change the level of service.

In response to a question by Commissioner Smith, Ms. Henschel stated they recognize that people find ways for short-cuts. She stated a traffic study was not done for possible expansion. Generally, you come into the back of the hospital which will most likely be used more by regular users of the hospital than by first time users who are trying to get there.

Ms. Caroline Butler, Chief Planner, presented the staff report, a copy of which is attached hereto and made a part hereof. Planning staff recommends approval, subject to conditions, because it is consistent with development that has occurred in the area, and medical offices adjacent to a hospital are a compatible land use.

Commissioner Pilgrim noted that the developer is not asking for help from the city which is refreshing. He also liked the fact that this type of project will attract better than average salaries whether staff or doctors, which he believes will be a boost to the Coliseum retail and food vendors; therefore Commissioner Pilgrim made a motion to approve the request per Ms. Butler's amendments. The motion was seconded by Commissioner Smith.

In response to a question by Commissioner Wallace in regards to negotiating the possibility of getting a more intensive development on the property, Mr. Long stated the problem they have with going above one story is the higher you go up, the further away parking will be. The doctors want parking immediately adjacent to the medical office building, and what they are trying to avoid is going above one-story and putting people further away from access to their physicians. They would like to keep the proposed request at one-story.

In response to clarification by Commissioner Wallace, Mr. Joe Ritchie, 223 James River Drive, Newport News, stated in developing the medical office spaces, the constant complaint they receive from offices that exist are that patients do not want to have to walk far. A lot of patients are elderly, but not necessarily handicapped, and without a handicapped license, they would have to walk the same distance as people that are well would have to walk. He stated another problem is staff parking. With 118,000 square feet of medical office space, the staff parking is enormous, but staff are the ones who would have to park the furthest away. He stated the medical offices in Oyster Point has 80,000 square feet, and staff parking is on the back side of the medical offices to keep the patients from using the rear access space. As it turned out, because patients want to be nearer to where they are going, they began to use the staffs' parking lot. He stated the problem with vertical is, the more you build up, the further you expand the parking. That is why they prefer not to go vertical.

In response to a question by Commissioner Wallace, Mr. Ritchie stated it is not the walking distance or riding distance on the elevator, but it is the distance from people getting out their car to get to the building. His example was if they built one building with five to six floors, they would still consume most of that lot because they would need a certain amount of parking.

In response to a question by Commissioner Smith, Mr. O'Neill stated you get more usable square footage the higher you go up. The yield per land acre is going to be higher. A typical ratio on single story buildings is 8,000 – 10,000 square feet per acre. The numbers can go up when you multi-story buildings are constructed. From a square footage per acre requirement, you try to maximize it, and going to a multi-story building, allow you to get more usable square footage.

Mr. Long stated another factor to consider is these are medical facilities for people that are ill, and if you go above the one-story grade, they will have a clear field of the cemetery, which they do not want. They plan to have heavy landscaping on the cemetery side of the property, and it is very important that it be screened. They would like to keep the elevation down so that people will not be looking over at the cemetery.

Commissioner Wallace stated what he would like to see is if the applicant can go back and negotiate with staff to see if they can get more intensive uses at the proposed site. He believed the city is selling themselves short in the context of not having this option available to the city.

Mr. O'Neill stated if this is the Commission's preference, staff can go back and do an analysis of existing medical buildings in the city showing the net difference, but it would take some time.

Mr. Ritchie stated the more densely the building on the property becomes by going vertical, the major difference in consideration of traffic. What they are proposing does not do this. The other concern is that the medical profession prefer a first level use of the property. Their proposal is the top of the line medical offices. He stated to walk any distance beyond normal and go up to a second floor is not what the physicians are going to want to see.

Mr. Long stated if they change the footprint, it would have a dramatic effect on traffic. Ms. Henschel stated if they go up without decreasing your footprint, you will increase your traffic. The traffic study was performed for a certain square footage, and they would have to stay within that certain square footage to keep the traffic the same; otherwise, the traffic would increase.

Mr. O'Neill stated if the Commission wants staff to explore the idea, they would have another discussion with the traffic engineers. The assumption on the surface from his perspective is, the level of service in the vicinity of the proposed site is still good, so one could argue that there is some range to accept additional traffic and have acceptable levels of service that are found on arterial roads. He concurred that it is logical that you have more traffic if you have more square footage, but it is something staff will have to explore to find a happy medium.

Mr. Long stated if the Commission use their proposed site plan with the one-story buildings with the requisite number of parking spaces for the physicians, staff and patients, the entire site is used up. He believes the one-story concept is the way to go.

Commissioner Wallace asked that a motion be amended to defer action on the proposed rezoning from 30 to 60 days to allow staff time to explore possibilities of developing the site with a more intensive use.

Mr. Long stated they would like to expedite this process with the understanding that the proposed request will be heard at City Council in January. The physicians they have talked to want to have an early Spring/Summer occupancy in the facility. He asked the Commission to approve or deny the request, but they do not want a deferral. They prefer to move forward with the project, because a delay would jeopardize their process.

Commissioner Pilgrim stated obviously on the development end of higher density, more taxes would occur. He stated if the applicant felt a multi-story building was in their best interest, they would go that route, but it sounds like the applicant has made a reasonable decision and feel like the best investment is to develop one-story medical offices.

Mr. Long concurred with Mr. Pilgrim's comments. He stated the physicians are interested in one-story buildings. It is of no small concern that they are adjacent to the cemetery and buffer screening will be provided. They do not want to go above one-story. They have a plan, and have talked with the medical community, and they know what the physicians want. This site will provide easy access to the handicapped, and they do not want any further delay because it would jeopardize their leasing efforts.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day an application by Medical Office Condominiums of Virginia, Inc. to rezone 13.5± acres between Sentara Hampton General Hospital and Parklawn Memorial Park from One Family Residence District (R-11) to Neighborhood Commercial District (C-1) for 118,800± square feet of medical offices and support facilities; and

WHEREAS: The 2010 Comprehensive Plan recommends residential uses for this site, but a series of approved rezoning actions from residential to commercial in this area have established a precedent for medical uses and this particular use is appropriate adjacent to a hospital; and

WHEREAS: The 4600± vehicle trips per day generated by this use will not change the Level of Service on adjacent roadways and the site plan will be designed so that the primary access is from Marcella Road on a street the applicant has voluntarily proffered to build; and

WHEREAS: The Special Public Interest-Coliseum Central (SPI-CC) overlay zoning district of the property contains standards that ensure additional approval of building design and materials, lighting, landscaping, signage, and other external features; and

WHEREAS: The applicant has voluntarily proffered conditions that exclude a number of C-1 uses, provide a buffer adjacent to the cemetery, and require him to build a street to access the site; and

WHEREAS: Commissioner Wallace suggested that the applicant consider increasing the height and size of the buildings to intensify the use in this core commercial district; and

WHEREAS: The Commission had considerable discussion with the applicant about increasing the height of the proposed buildings to two stories, but the applicant declined because of the needs of the prospective tenants and clients; and

WHEREAS: Planning staff advised the Commission that the traffic study commissioned by the applicant was based on the proposed 118,800± square feet of medical offices, and that an increase in density would require another traffic study; and

WHEREAS: On a motion by Commissioner Perry T. Pilgrim and seconded by Commissioner Timothy B. Smith,

BE IT THEREFORE RESOLVED THAT the Hampton Planning Commission recommends to the honorable City Council approval of Rezoning Application No. 1158, subject to the proffered conditions.

Commissioner George E. Wallace offered an amendment to the motion, seconded by Commissioner Harold O. Johns, that action be deferred for 30 days to allow staff to negotiate further with the applicant concerning the height of the buildings.

A roll call vote on the motion resulted as follows:

AYES: Johns, Wallace
NAYS: Smith, Pilgrim, Gilliland, Heath
ABST: None
ABSENT: Glass

The motion to defer action failed 4-2.

WHEREAS: Commissioner Gilliland stated there is very little land in Hampton available for development and, while the City would prefer to see more intense development on this site, the applicant would have proposed such if there was a market for it; and

WHEREAS: On a motion by Commissioner Perry T. Pilgrim and seconded by Commissioner Timothy B. Smith,

BE IT THEREFORE RESOLVED THAT the Hampton Planning Commission recommends to the honorable City Council approval of Rezoning Application No. 1158, subject to the proffered conditions.

A roll call vote on the motion resulted as follows:

AYES: Smith, Johns, Pilgrim, Wallace, Gilliland, Heath
NAYS: None
ABST: None
ABSENT: Glass

A motion was made by Commissioner Perry T. Pilgrim, and seconded by Commissioner Randy Gilliland to extend the Planning Commission meeting past 5:00 p.m. A roll call motion resulted as follows:

AYES: Smith, Johns, Pilgrim, Wallace, Gilliland, Heath
NAYS: None
ABST: None
ABSENT: Glass

ITEM VI. REZONING APPLICATION NOS. 1161 and 1163

Chairman Heath read the descriptions of the next agenda items.

Rezoning Application No. 1161 by the Hampton City Council to rezone Nos. 3, 7, 9, 11, 13, 15, 17, 19, 21, 23, 26, 24, 22, 20, 16, 14, 12, 10, 8, 6, and 4 C.C. Spaulding Drive and No. 1726 West Queen Street from Limited Commercial

District (C-2) to One Family Residence District (R-11). The 2010 Comprehensive Plan recommends commercial/mixed-use for this area. R-11 allows single family residential uses at a density of 3.5-4.5 units per acre. C-2 allows community and regional scale retail and commercial uses.

AND

Rezoning Application No. 1163 by the Hampton Planning Commission to rezone Nos. 1704, 1724, 1726, 1728, 1730, 1732, 1738 and 1744 West Queen Street from Limited Commercial District (C-2) to One Family Residence District (R-11). The 2010 Comprehensive Plan recommends commercial/mixed-use for this area. R-11 allows single family residential uses at a density of 3.5-4.5 units per acre. C-2 allows community and regional scale retail and commercial uses.

In giving a brief historical overview of how staff reached this point of the proposed requests, Mr. O'Neill stated this item came from a discussion which came before the Planning Commission and City Council back in 1996-1997. City Council ultimately approved a rezoning of the subject area in 1997. Given the progress or lack thereof of the project, some members of City Council requested staff to initiate a process to re-evaluate the rezoning of the properties that are before the Commission. When staff initially briefed the Planning Commission to inform them that the request had been made by City Council, the Commission asked staff to expand the scope of that evaluation, and thus, there are two separate related rezoning requests. One initiated by City Council which focuses on the analysis of properties immediately on C.C. Spaulding Drive; and the second being the Commission's application. The Commission asked staff to look broader than the properties just on C.C. Spaulding Drive, and include those properties that are adjacent and in front along Queen Street. He stated there are many reasons or aspects to this case that will ultimately influence the Commission's decision. It is staff's responsibility to provide to the Commission a professional land use recommendation according to the Comprehensive Plan, Mercury Central Plan and other related land use policy documents, and in staff's own best professional judgment as to what the highest and best use of the property is to fulfill the overall public purpose of the community.

Ms. Caroline Butler, Chief Planner, presented the staff reports. She presented six options and discussed the advantages and disadvantages and a brief analysis of the alternatives, a copy of which is attached hereto and made a part hereof. She stated Planning staff recommends denial of each rezoning application and to retain the C-2 zoning on all of the properties. Rezoning the properties to R-11 would be inconsistent with the objective process by which the zoning and the 2010 Comprehensive Plan were changed to reflect the neighborhood's interest in commercial development and it would be inconsistent with the existing and proposed commercial development that exists in this area.

Mr. Ford Brown, 1721 West Queen Street, stated there are several members who did not sign up that are present to speak on the rezoning.

Ms. Hattie P. Lucas, 16 C.C. Spaulding Drive, stated she lived at this address for 39 years. It was a beautiful community established by Mr. and Mrs. Thomas at a time when no white citizens would allow them to live in their neighborhoods. They were denied access to various businesses in Hampton and denied funds to build homes. Mrs.

Thomas went to Mr. Charles C. Spaulding, President of North Carolina Mutual Insurance Company, who invested in the project in order for Mr. and Mrs. Thomas to develop the area. She stated the City of Hampton thought it was a beautiful idea, and attended the grand opening when it was completed and blessed the development. They were able to have neighborhood picnics and worshipped at church together until the amendment of the 2010 Comprehensive Plan. She described how Mr. Rob Brown, a developer, came to their neighborhood to acquire the properties and how one group that accepted went against the other group that wanted to stay, and the hard time they have had ever since. She mentioned that City Council acknowledged if the commercial venture did not take place within a limited time, they would have their neighborhood rezoned back to residential, but now she hears a recommendation for denial. She stated the same thing is still going on, and no one is considering the fact that this is the neighborhood where they live. She stated if someone went into Farmington or any other area, and did what is being done to them, they would fight too because they would not want it to happen. She stated we do not like what is happening and not being recognized. We do not think we need to have more rigorous consideration after nine years of someone invading our privacy. She stated another developer came in and relayed to them that they do not need their homes. She does not understand why this is happening. They are senior citizens, almost 80 years old, and have fought and done everything they can do. Their buffer has even been taken. They had beautiful trees, which have been taken away. Approximately 17 houses have been demolished that were beautiful, and people came from other areas and wanted to restore the homes. She stated it is hard to see 39 years of her neighborhood being destroyed, and after they reach 80 years old, they are told the developer wants their land. She stated she has worked night and day in the public school system and her dream was to retire in her home, and just when she began to get ready to enjoy her retirement, bulldozers came and destroyed their neighborhood. She stated if they want to destroy her home, she would tie herself to a tree, because she cannot give up all that she has labored for. The amount that was offered to her cannot build her house today. She has a 3,000 square foot home on ½ acre. She has maintained her home of 39 years, and she has never missed or been late paying her taxes. She wants the neighborhood rezoned back to residential and restored with new homes built back in the area. She asked the Commission to consider her request, and give them a chance to grow old gracefully and to enjoy what they have and put homes around them for people who appreciate the area. She stated there have been a lot of people who would like to live where they are. She thanked the Commission for their time, but was caught off-guard because she thought the area was going to be rezoned back to residential. She does not understand why they want the land so badly and it has not been fair what has taken place. She asked that the property be rezoned back to residential because they do not mind living near a commercial area.

Mr. William Webster, 10 Spaulding Drive, stated the agreement made was through a resolution that if commercial development had not taken place after a year, it would revert back to residential. He stated no development has taken place on C.C. Spaulding Drive. He described conversations that took place with Mr. Rob Brown in acquiring the properties and how the city has been most insistent in its efforts to acquire the land. He stated the city is aware of the resolution when they assisted in buying the land. He would hate to think that the city would make an agreement and fall back on their agreement. He stated there was no out-cry when the land was rezoned commercial and that they would co-exist with it, but now the city wants to renege on their agreement,

which is to revert the land back to residential. In attending this meeting today, he sees that the city is opposing the request. He had no idea the city was opposing any part of the action being taken today. He was lead to believe that the city would be for it. If they had made the request to rezone, he would understand it, and they did submit the request, but Planning staff initiated the action. He stated this request the Commission is approving did not come from the property owners, but it comes from the city. By virtue of the fact that they did request it, if they were not favorable to it, why did they act on it? He does not feel the city is justified in doing anything other than keeping their promise. He stated rezoning takes many steps, but reversion only takes one step, which is what the resolution states. He asked the Commission to give them due consideration of their request.

Mr. Edward Palmer, 1730 West Queen Street, stated he came to the community six years ago, not being knowledgeable of the 2010 Comprehensive Plan. He described a conversation that he had with Mr. Brown, the developer. He stated he left Virginia forty years ago being a victim of eminent domain at Camp Perry in York County, and he could not believe that he has come back to Hampton to have it told to him that he would have to consider moving. He met Mr. Brown at City Hall, and met with members of the community. They formed a committee, and talked with Mr. Brown about ways to keep their community in tact. They were led to believe that they had won their battle, and were told they did not have to worry about moving unless they wanted to move and sell their property, and then every possible manipulation happened thereafter. He could not believe in public/private partnerships, because he did not know who was speaking the truth to them, the city or the developer. Several members of the community were picked who wanted to re-locate and they were used to drive a division between the those who wanted to live there forever and those who wanted to leave. He stated he cannot duplicate his property, and he discovered this in looking around before he purchased his house in Hampton. He gave a brief description of the horrible experiences of living in Camp Perry. He stated he came back to Hampton thinking he would have a peaceful existence, and could not understand how this situation could happen to people today in this time in our history. He stated they did not have any say in selling or not selling their property. They were bought on a false percentage. He was told 75% of the people had agreed to move or sell their property to Mr. Brown or it would not go through. He stated it was less than 75%, yet they were told it was 75% on Queen Street and C.C. Spaulding Drive combined to agree to sell initially. He is disturbed by this situation. He believed he was coming to the meeting to hear news that they would be reverted back to residential zoning, and now he is hearing that the city is opposed to the rezoning. He stated they were told by a man who is now deceased that was on the Planning Commission, that they would not have to move and would have a 50 to 100 foot buffer, either vegetated, fenced, or a combination thereof.

Ms. Hazel Nazareth, 2625 Winona Drive, stated although she does not live on C.C. Spaulding, she has always admired the neighborhood because to her, it was the healthiest neighborhood in the City of Hampton. She had spoken to the Commission from the beginning against destroying that neighborhood and the more we speak, the more they seem to want to tear up the neighborhood. She stated the Power Plant may materialize one day, but it is not materializing now, and she does not think it is worth giving these people health problems. She came to this meeting thinking that it would be

cut and dry, but it does not seem to be that way. She stated there were many options presented, and she could not remember what they were, but she would be inclined to go with the option that supports residential. She felt the resolution meant something, but when she listened to Planning Commission and City Council regarding this request, she is beginning to lose faith in what is being done in the City of Hampton. She sympathizes with what the citizens are going through, even though she does not live there. She stated if the city can do it to their neighborhood, they can do it to her neighborhood, and she does not appreciate it, especially when you work with the city to make it a better place to live. She asked the Commission to do the right thing, and if they have a resolution supporting the reversion, or if they have to go through a rezoning, then rezone it to residential. It is according to the people who live there. She stated the ones who did not want to live there, or wanted the money, they have it and are gone, but other people have to live there, and they do not want to move anywhere else. She asked the Commission to think about this when they vote. She favors returning the C.C. Spaulding area and West Queen Street back to residential.

Ms. Louise Webster, 10 C.C. Spaulding Drive, stated she has lived in Hampton all of her life. She recalled racial issues, and the hard struggle to pay taxes and feed their family, and that the jobs they did obtain, they scuffled and stuck together because they wanted a better life. She described the history of her father laboring and how businesses were taken from them. She stated the people who lived on C.C. Spaulding Drive that accepted the money were not from Hampton, and came to Hampton after Mrs. Thomas developed the land, and they did not know the struggles that occurred. She asked the Commission, that as citizens of Hampton, and representatives of the citizens, to give them their land and neighborhood back. She stated they were a happy neighborhood that had cook-outs and worshipped at church together and it was a pleasant place to live. She asked them to do the right thing and to love their neighbor as themselves.

Commissioner Wallace asked those who spoke on behalf of C.C. Spaulding if they understood that the current zoning, which is C-2, with the provisions that they have, allows them to keep their property in perpetuity as residential property (i.e., to sell as commercial or residential, to develop further). He stated they have all the privileges and benefits of both a commercial and residential designation. In terms of usage, the zoning does not deny them any of the current usages that they traditionally had.

In response to a question by Mrs. Lucas in regards to spot zoning (i.e., a 7-11 next to their property), Commissioner Wallace concurred that having a 7-11 store next to their property is possible.

Mrs. Lucas stated that is what they do not want. They do not want spot zoning, but they prefer residential or someone who cares about having a home next to them.

Commissioner Wallace stated he hates to be the ogre because it makes him seem to be one of a heartless and cruel person. He stated Mr. Palmer is a distant relative of his, and his grandparents were the ones victimized of what Mr. Palmer described. He knows the history and has been to the family reunions, so he is very much aware of the agony and he knows the aspects of it. He stated he does not have to avoid the strong feelings of which has been spoken. He stated the argument can be

made just as pervasively and patently that if the city allows the property owners who are left on C.C. Spaulding Drive to exist with what is around them, then they are in fact spot zoning for them, so spot zoning can be argued both ways.

Mrs. Lucas stated the city is the new comers. They were actually in the area before the city started to go with the new comers who wanted to buy the property. They were the pioneers and it was their land first.

Commissioner Wallace stated the commitment that was made to them was under no circumstances would they be forced to leave or vacate their property and the new designation would not be diminished. He stated that promise is in tact.

Mr. Palmer stated that comment is incorrect. He stated the Chairman of the Planning Commission who attended the Coliseum meeting that was held with the C.C. Spaulding Drive and West Queen Street residents, promised them that if the land was not developed by the developer, the property would automatically be reverted back to residential zoning.

Chairman Heath clarified that the comment made by Mr. Palmer is not in regards to the current Chairman.

In response to a comment by Commissioner Wallace, Mr. O'Neill stated the reversion resolution, that he has before him, is an expression of intent by City Council in 1977. If the development did not move forward to the extent that was expected, within 12 months of the date of the rezoning, Council would initiate a process, that would involve a rezoning process to consider rezoning this area back to residential. He stated the reversion is clear when read that one Council cannot necessarily bind the actions of a subsequent Council, but that it is a strong, moral intent or expression of that intent, that if those conditions did exist, then there would be a process which would involve consideration of a rezoning through public hearings to evaluate a return to single family residential.

In response to a comment by Commissioner Wallace, Mr. O'Neill stated he can offer his interpretation, being the person that drafted the resolution on behalf of the group of residents who were moving toward selling their property. This resolution was an attempt to protect them, if the negotiations later fell through. They did not want to be left in a situation in which the entire neighborhood was zoned commercial, and they would be left with non-conforming uses.

In response to a comment by Commissioner Wallace, Mr. O'Neill concurred that the individuals predisposed to stay, had their primary focus on protection and utility rights and buffers. He believed that Mr. Lucas and Mr. Webster were part of that group who met with him on a number of occasions as they went through this process. They had concerns, many which have been presented. He stated two of those concerns that were important to them as part of this consideration by City Council was the non-conforming use which gives them the rights and privileges of a residential zoning classification, and the buffer requirements. Those were two of many issues that were expressed in the resolutions that were backed by City Council in order to provide some level of protection to those property owners who decided to stay.

Mr. Webster stated they felt the resolution was just as binding as the ordinance itself. They were forced into rezoning by virtue of the fact that the city was against spot zoning, and they feel the same way. They feel threatened with commercial surrounding them and only a few residential. If spot zoning was detrimental then, it is detrimental now. They thought the city was in support of them, or they were led them to believe this. If the city reneges on this, what faith do they have in the city? They felt the city was responsible enough to keep their end of the bargain. He stated there are options such as the city could sell the property and leave it commercial or rezone it back to residential.

Commissioner Gilliland stated the property that is under consideration for rezoning to residential are either privately owned or owned by the city which is the IDA. If the city rezones residential and the only lots available for sale are IDA city owned lots, would the residents be satisfied if the IDA does not want to sell the lots and the character of the neighborhood would be unlikely to be restored.

Mr. Webster stated he does not believe those lots would remain vacant. He stated he knows the Daily Press has stated that more than likely the neighborhood would not be developed again, but he does not believe it.

Commissioner Gilliland stated according to developers, the city would have to be willing to sell the lots at residential price. At that time, it would require the IDA to make that decision and not City Council or Planning Commission .

Mr. O'Neill concurred with Commissioner's Gilliland's comment. It is his understanding that the property is legally under the ownership of the IDA.

Mr. Webster stated if the Commission would rezone the property, it would motivate the IDA to sell the property. He stated when they appeared before the Planning Commission, they were led to believe reversion meant to revert back, irrespective of what was planned.

Commissioner Gilliland stated he understands that there was a misunderstanding about reversion. Under State law, the property cannot just revert, but it has to go through the rezoning process.

Mrs. Lucas asked if the homes could stay like it is? Commissioner Gilliland stated yes. Mrs. Lucas stated she just does not want a 7-11 next to her.

Commissioner Johns stated it was indicated that buffers were going to take place, and he wanted to know the status.

Mrs. Lucas stated when the city purchased the land, they stripped the residents of the trees and at this point, there are a few trees that have been left. She stated they have no protection from her house around to the apartment complex. They did not receive any buffers to protect the neighborhood.

In response to a question by Chairman Heath, Mr. O'Neill stated there were two options discussed as part of the buffer resolution to protect the homes. To his

knowledge, they have not come to a point of choosing which option to implement, and they should. One option was a 50 foot vegetated buffer with a fence at the far end of the buffer, which is beyond the property lines of the existing or remaining homes, or 100 foot of vegetation (i.e., evergreen material that would grow up over time to create a substantial, visual screen). They would work out plans as to what the vegetation would be. To his knowledge, the buffer has not been implemented, particularly where the road and utility construction would have come close to the property lines, which would be within that 50 feet. The buffer needs to be implemented by either the city or the developer.

In response to a question by Chairman Heath, Mr. O'Neill stated the existing homes will remain legal residences. The homeowners can expand upon their property or sell their property if they wish for residential purposes. They have the essential legal rights as expressed in the resolution which they had all along. What does remain also, if the Commission recommends denial of the application, is the fear that Mrs. Lucas expressed, which is the other properties owned by the IDA/city, could be developed at the discretion of the IDA/city for commercial purposes. The buffers would be in place surrounding those residential properties which remain, so there could be commercial properties around them with the buffers in place.

In response to a question by Mr. Palmer regarding tax implications, Mr. O'Neill stated he believes the properties are being assessed as residential. They have tried since the 1997 rezoning to treat the remaining residential property of homeowners as residences, and they have tried not to change any of those aspects of this to comply with the intent of Council's resolution.

Mr. Webster stated he would be remiss if he did not state that he does not believe the City of Hampton will have any success behind them if they are mistreated.

Mrs. Lucas stated she did receive a tax assessment stating her property would go up \$10,000, but she sent it to one of the Council members. She believed this was a period of intimidation to get her to move, but the assessment was brought back down.

In response to a question by Commissioner Johns, Commissioner Wallace stated there was a misunderstanding on the Assessor's part initially as to whether the properties that remained would be taxed as residential as opposed to commercial. Once it was determined, the situation changed and the properties were assessed residential.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day two rezoning applications for properties on C.C. Spaulding Drive/West Queen Street and elects to conduct a joint public hearing on them; and

WHEREAS: Rezoning Application No. 1161 is sponsored by the Hampton City Council and includes Nos. 3, 7, 9, 11, 13, 15, 17, 19, 21, 23, 26, 24, 22, 20, 16, 14, 12, 10, 8, 6, and 4 C.C. Spaulding Drive and No. 1726 West Queen Street; and

- WHEREAS: Rezoning Application No. 1163 is sponsored by the Hampton Planning Commission and includes Nos. 1704, 1724, 1726, 1728, 1730, 1732, 1738 and 1744 West Queen Street; and
- WHEREAS: The proposal of Rezoning Applications Nos. 1161 and 1163 is to rezone the referenced properties from Limited Commercial District (C-2) to One Family Residence District (R-11) at the request of the property owners; and
- WHEREAS: In response to commercial interest in their properties and using a process outlined in the Mercury Central Plan, an overwhelming majority of the property owners on C.C. Spaulding Drive/West Queen Street previously agreed to have their properties be designated and zoned for commercial use; and
- WHEREAS: The 2010 Comprehensive Plan recommends commercial/mixed-use for these properties and this designation was approved by City Council in 1997 at the request of the majority of the property owners; and
- WHEREAS: These properties are zoned Limited Commercial District (C-2), which zoning was approved by City Council in 1997 (Rezoning No. 1068); and
- WHEREAS: In approving Rezoning No. 1068, City Council passed three companion resolutions that ensured (1) the retention of R-11 rights and privileges for the remaining property owners; (2) the provision of a buffer from commercial development for the remaining property owners; and (3) future consideration of a return to residential zoning if the proposed commercial development did not occur; and
- WHEREAS: The Hampton Industrial Development Authority honored the purchase agreements of the property owners who wished to sell and now owns the majority of the properties on C.C. Spaulding Drive/West Queen Street; and
- WHEREAS: The proposed commercial development is occurring and infrastructure to support commercial development is in place; and
- WHEREAS: All of the land south of Mercury Boulevard to Pine Chapel Road and between Interstate 64 and West Queen Street, including the properties in Rezoning Applications Nos. 1161 and 1163, are designated and zoned for commercial use; and
- WHEREAS: The property owners referenced in Rezoning Applications Nos. 1161 and 1163 will experience ever-increasing noise, traffic, and non-residential activity that will diminish the quality of their lives as residents; and
- WHEREAS: Five speakers (four of whom are property owners referenced in the rezoning applications) spoke in favor of rezoning the properties to R-11; and

WHEREAS: The property owners present said they understand that the current C-2 zoning, with the resolutions attached to Rezoning No. 1068 by City Council, guarantees them all R-11 rights and the ability to sell their properties for commercial use if they choose; and

WHEREAS: In response to a question about how the residents would feel living adjacent to properties owned by the Industrial Development Authority if they are developed for commercial use, one of the property owners said he believed that rezoning their properties to R-11 would motivate the IDA to sell theirs for residential use; and

WHEREAS: In response to a question from one of the residents, the Planning Director said their properties have been assessed for tax purposes as residential since the rezoning to C-2 occurred in 1997; and

WHEREAS: In response to a question the Planning Director stated that, under the existing C-2 zoning, the residents have the benefits of being able to sell their properties at commercial values while retaining the ability to use them as residences as long as they wish.

Chairman Heath closed the public hearings on Rezoning Applications Nos. 1161 and 1163 and said that each would be considered separately by the Commission.

REZONING APPLICATION NO. 1161

NOW THEREFORE BE IT RESOLVED on a motion by Commissioner George E. Wallace, that Rezoning Application No. 1161 from C-2 to R-11 be denied. The motion failed for lack of a second.

NOW THEREFORE BE IT RESOLVED on a motion by Commissioner Perry T. Pilgrim and seconded by Commissioner Randy Gilliland, that Rezoning Application No. 1161 from C-2 to R-11 be approved.

Several Commissioners commented prior to voting on the motion. Commissioner Smith stated that one only has to look at the property to realize that its potential is for commercial and not residential development. Commissioner Johns said the remaining residents enjoy all of the benefits of commercial zoning and land values while retaining the ability to use their properties as residential. Commissioner Wallace agreed with the previous statement and said buffers will protect the residents who remain; furthermore, it is wishful thinking that their neighborhood will return to its pre-1997 condition. Commissioner Gilliland said that the commercial development proposed at the time Rezoning No. 1068 was approved has not been realized, and he believes that this City Council has a commitment to the residents to approve the rezoning of their properties back to residential.

A roll call vote on the motion resulted as follows:

AYES: Pilgrim, Gilliland, Heath
NAYS: Smith, Johns, Wallace
ABST: None
ABSENT: Glass

Deputy City Attorney Andrews stated that the Commission could defer action on the application or could send it on to City Council with a tie vote. Since no other motion was offered, the Commission agreed to forward the tie vote.

REZONING APPLICATION NO. 1163

NOW THEREFORE BE IT RESOLVED on a motion by Commissioner Perry T. Pilgrim and seconded by Commissioner Randy Gilliland, that Rezoning Application No. 1163 from C-2 to R-11 be approved.

A roll call vote on the motion resulted as follows:

AYES: Pilgrim, Gilliland, Heath
NAYS: Smith, Johns, Wallace
ABST: None
ABSENT: Glass

Deputy City Attorney Andrews stated that the Commission could defer action on the application or could send it on to City Council with a tie vote. Since no other motion was offered, the Commission agreed to forward the tie vote.

ITEM VII. COMPREHENSIVE PLAN AMENDMENT

Chairman Heath read the description of the next agenda item.

Comprehensive Plan Amendment by the City of Hampton to change the land use designation in the 2010 Comprehensive Plan, as adopted by Hampton City Council on December 13, 1989, and as amended, for the properties described above in **Rezoning Application Nos. 1161 and 1163** from commercial/mixed-use to low density residential.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day an amendment by the City of Hampton to amend the 2010 Comprehensive Plan, as adopted by City Council on 12/13/89, and as amended; and

WHEREAS: The proposed amendment would change the land use element from commercial/mixed-use to residential for properties that are the subject of Rezoning Applications Nos. 1161 and 1163; and

WHEREAS: City Council rezoned these properties from One Family Residence District (R-11) to Limited Commercial District (C-2) in 1997 at the request of the majority of the property owners, following a process upon which they had agreed; and

WHEREAS: Also in 1997, the majority of the property owners requested an amendment to the 2010 Comprehensive Plan changing the land use designation of their properties from residential to commercial/mixed-use and City Council approved this amendment; and

WHEREAS: The entire area from Mercury Boulevard south to Pine Chapel Road and between West Queen Street and Interstate 64 is zoned commercial and is designated in the 2010 Comprehensive Plan as commercial/mixed-use; and

WHEREAS: City Council also approved a resolution in 1997 expressing their intent to consider a rezoning of the C.C. Spaulding Drive area back to residential if the anticipated commercial development did not occur; and

WHEREAS: Major commercial development in the form of the Power Plant and Bass Pro Outdoor World is occurring in close proximity to these properties and will result in pressure for them to be developed as commercial; and

WHEREAS: Infrastructure and public investment in the area supports commercial, not residential, development.

NOW THEREFORE BE IT RESOLVED on a motion by Commissioner Perry T. Pilgrim and seconded by Commissioner Randy Gilliland, That this proposed amendment to the 2010 Comprehensive Plan be approved.

A roll call on the vote resulted as follows:

| | |
|---------|---------------------------|
| AYES: | Pilgrim, Gilliland, Heath |
| NAYS: | Smith, Johns, Wallace |
| ABST: | None |
| ABSENT: | Glass |

The motion to approve the amendment failed. No other motion was offered by the Commission, therefore the Commission forwards no recommendation to the City Council.

ITEM VIII. ZONING ORDINANCE AMENDMENT

Chairman Heath read the description of the next agenda item.

Zoning Ordinance Amendment by the City of Hampton to amend and re-enact the Hampton Zoning Ordinance by adding Chapter 3.3, "R-43 District - One Family Residence District," and Chapter 3.4, "R-LL - One Family Residence

District,” and by amending Section 21.3, “Nonconforming Use: Special Provisions for Comprehensive Rezoning.

After discussion, the Commission approved the following resolution:

WHEREAS: The City Planning Commission has before it this day a request by the City of Hampton to amend the Zoning Ordinance to include two new zoning districts that allow for larger lot single family development; and

WHEREAS: The purpose of the amendment is to provide the opportunity for the development of quality housing products at the density envisioned by the Harris Creek Small Area Plan; and

WHEREAS: The purpose of this amendment is also to implement the land use recommendations of the Harris Creek Small Area Plan with respect to one (1) acre and two and one-half (2.5) acre residential development; and

WHEREAS: The development regulations in these districts are designed to protect the existing rural nature of the area and encourage open space and aggregated green areas, thereby minimizing land disturbance and negative environmental impacts; and

WHEREAS: This amendment creates the R-43 District, which provides for homes with a minimum of 2,250 square feet of heating living area built on lots having a minimum of 1 acre; and

WHEREAS: This amendment creates the R-LL District, which provides for homes with a minimum of 2250 square feet of heated living area built on lots having a minimum of 2.5 acres; and

WHEREAS: No objections were raised by the community at the public hearing.

NOW, THEREFORE, on a motion by Commissioner Randy Gilliland and seconded by Commissioner Harold Johns

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends to the Honorable City Council that the proposed addition of Chapters 3.3 and 3.4 for larger lot single-family development be approved.

A roll call vote on the motion resulted as follows:

| | |
|---------|--|
| AYES: | Smith, Johns, Pilgrim, Wallace, Gilliland, Heath |
| NAYS: | None. |
| ABST: | None. |
| ABSENT: | Glass |

ITEM IX. PLANNING DIRECTOR'S REPORT

On behalf of the Planning staff, Mr. O'Neill, wished the Planning Commission a happy holiday. He invited the Planning Commission to attend the Christmas party to be held on Friday, December 20th beginning at 12:00 p.m. in the IDA Conference Room.

ITEM X. ITEMS BY THE PUBLIC

There were no items by the public.

ITEM XI. MATTERS BY THE COMMISSION

Commissioner Heath wished everyone a happy holiday.

ITEM XII. ADJOURMENT

There being no additional items to come before the Commission, the meeting adjourned at 6:40 p.m.

Respectfully submitted,

Terry P. O'Neill
Secretary to Commission

APPROVED BY:

Ralph A. Heath, III
Chairman